

Court of Appeals, State of Michigan

ORDER

In re Wayne Circuit Judge

Docket No. 290971

LC No. 07-023972

Michael J. Talbot
Presiding Judge

Karen M. Fort Hood

Cynthia Diane Stephens
Judges

The Court orders that the motion for immediate consideration is GRANTED.

The motion to file a supplement to the complaint is GRANTED.

The complaint for writ of superintending control is GRANTED IN PART. In deciding whether to close proceedings to the public, a court must make findings sufficient to support the closure. *People v Kline*, 197 Mich App 165, 169; 494 NW2d 756 (1992) (citing *Waller v Georgia*, 467 US 39, 45; 104 S Ct 2210; 81 L Ed 2d 31 (1984) (quoting *Press-Enterprise Co v Superior Court of CA*, 464 US 501; 104 S Ct 819; 78 L Ed 2d 629 (1984)). In this case, the trial court has not articulated such findings on the record, nor has it entered a written order regarding the total closure of the court room. The Court therefore REMANDS to the circuit court for it to make the appropriate findings as described in *Kline, supra*, on the record within 14 days of the Court's issuance of this order. The prosecution is to provide a copy of the trial court's findings immediately upon receipt. The remainder of the complaint is HELD IN ABEYANCE until this Court's receipt of the circuit court's findings.

On its own motion, the Court STAYS the hearing scheduled for April 24, 2009. The circuit court is free to use that date and time to issue its findings to the parties. Further proceedings are STAYED pending resolution of this appeal or further order of this Court.

The Court retains jurisdiction.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR 14 2009

Date

Sandra Schultz Mengel
Chief Clerk